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EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/785,967

Applicant(s)

LAPIDOUS, EUGENE

Examiner

Ashok B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,17-23,26,27,29 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-16,24,25,28 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-3, 6-16, 24, 25, 28 and 31 are subject to examination. Claims 4, 5, 17-23, 26, 27, 29 and 30 have been cancelled.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/29/2005 has been entered.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 24 and 28 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al. (hereinafter Tso)(US 6, 421, 733) in view of Solimene et al. (hereinafter Solimene) (US 5, 828,376)

**Referring to claim 1,**

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Tso teaches a method for retrieving documents in a computer network (Abstract, lines 1-4), the method comprising:

displaying a set of one or more selectable data exchange modes and issuing a request to retrieve data associated with the file reference in accordance with the selected data exchange mode. (col. 11, line 4-49).

Tso fails to explicitly teach "displaying a set of one or more selectable modes in the vicinity of a cursor upon detecting that a user has pressed a button of a cursor control device while the cursor is inside a selectable area; detecting that the user has moved the cursor over a mode selected by the user from the set without releasing the button of the cursor control device; canceling the display of the set upon detecting that the user has released the button of the cursor control device while keeping the cursor over the selected mode."

Solimene teaches in Fig. 5, col. 8, line 53-col. 9, line 13, "Context Sensitive Pop-Up Menu , Referring now to FIG. 5, shown is a context sensitive pop-up menu 74 of the hypercontrol of the present invention. It is referred to as "context sensitive" because the pop-up menu 74 is displayed only when the user places the mouse cursor in the grid subview 24 and depresses the right mouse button. The hyperitem editor (described below) allows the user to configure the pop-up menu 74 with a custom set of menu items associated with the grid subview 24. For example, consider that the grid subview 24 of FIG. 5 is an Address Book of records, where each record comprises the fields: "Address Number", "Alpha Name", and "Address Line 1". Assume also that the menu items used to edit the Address Book records include the menu items from the "Edit"

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menu category: "Cut", "Copy", "Paste", and "Clear", and two menu items from the "Record" menu category: "Add Record" and "Del. Record". Using the hyperitem editor as described below, the user can collect these menu items into the context sensitive pop-up menu 74, thereby providing immediate access to the menu items rather than having to plod through the pull-down menus of the menu categories in the menu bar 18.

When the user places the mouse cursor in the grid subview 24 and presses the right mouse button, the context sensitive pop-up menu 74 is displayed until the user selects a menu item or cancels the operation by, for instance, releasing the mouse button without selecting a menu item. If the user selects a menu item, then the corresponding command is executed by the application." ("displaying a set of one or more selectable modes in the vicinity of a cursor upon detecting that a user has pressed a button of a cursor control device while the cursor is inside a selectable area; detecting that the user has moved the cursor over a mode selected by the user from the set without releasing the button of the cursor control device; canceling the display of the set upon detecting that the user has released the button of the cursor control device while keeping the cursor over the selected mode.")

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to apply the context sensitive pop-up menu technique of Solimene to the pop-window 40 presenting data exchange mode of Tso such that it will provide the immediate access to the menu for hyperitems such as hypertext objects providing expanded flexibility for rendering hypertext objects.

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**Referring to claim 2,**

Tso teaches the method of claim 1 further comprising:

before issuing the request modifying one or more configuration parameters of an Internet browser in accordance with the selected data exchange mode; and (Fig.4, element 40, col.4, lines 29-32)

restoring the one or more configuration parameters of the Internet browser upon processing the request (col.4, lines 29-32, Fig.4, element 40, "default (auto)).

**Referring to claim 3,**

Tso teaches the method of claim 1 wherein said issuing further comprises: modifying the request issued by an Internet browser in accordance with the data exchange mode selected by the user. (col. 6, lines 64-66).

**Referring to claim 6,**

Tso teaches the method of claim 1 wherein the user selection of the data exchange mode affects only the data associated with the file reference. (col. 6, lines 66 to col. 7, line 3).

**Referring to claim 7,**

Tso teaches the method of claim 1 wherein the selected data exchange mode affects any one of the amount of user-specific information sent with the request, the amount of data sent by the server in response to the request, and the format of data sent by the server in response to the request. (col. 7, lines 15-67 and col. 8, lines 1-9).

**Referring to claim 8,**

Tso teaches the method of claim 1 wherein said issuing further comprises communicating with a network server storing the data associated with the identified file reference. (Fig. 1, element 10, col. 3, lines 3-7)

**Referring to claims 9 and 10,**

Tso teaches method of claim 1 wherein said issuing further comprises communicating with a proxy, the proxy performing operations comprising:

modifying the request for data when required by the selected data exchange mode, communicating with a network server storing the data associated with the file reference; and modifying data received from the network server when required by the selected data exchange mode. (col.3, lines 17-30) and the method of claim 9 wherein the request for data communicated to the proxy contains an identifier of the selected data exchange mode. (col.3, lines 17-30 and col. 7, lines 15-67 and col. 8, lines 1-9)

**Referring to claims 11 and 12,**

Tso teaches the method of claim 1 wherein said issuing further comprises:

sending a request to retrieve data associated with the file reference to a first server, the request conforming to the selected data exchange mode; (col.3, lines 18-21)

receiving a response from the first server, the response indicating a new location of the data associated with the file reference; and automatically issuing a second request to a second server using the new location, the second request conforming to the selected data exchange mode.(col. 3, lines 21-30, (distributed system of computers), col. 9, lines 29, 33) and the method of claim 1 wherein: data associated with the file reference is stored on a plurality of servers; and said issuing further

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comprises sending a request to each of the plurality of servers, the request conforming to the selected data exchange mode. (col. 12, lines 17-32).

**Referring to claim 13,**

Tso teaches the method of claim 1 wherein said issuing further comprises:

including an identifier of the selected data exchange mode; and sending the request with the identifier of the selected data exchange mode to a first proxy. (col. 7, lines 15-67 and col. 8, lines 1-9, Fig. 5, element 48, col. 13, lines 36-39).

**Referring to claim 14,**

Tso teaches the method of claim 13 further comprising: the first proxy selecting a second proxy as a recipient of the request based on the identifier of the selected data exchange mode and a predefined set of operations performed by the second proxy. (col. 13, lines 39-54).

**Referring to claims 15 and 16,**

Tso teaches the method of claim 13 further comprising: the first proxy taking responsibility for performing a first portion of operations required by the selected data exchange mode; and the first proxy selecting a second proxy for performing a second portion of operations required by the selected data exchange mode and the method of claim 15 further comprising: the first proxy updating the identifier of the data exchange mode with an identifier value associated with the second portion of operations; and the first proxy sending the request with the updated identifier value to the second proxy. (Fig.5, elements 48 and 36, col. 14, lines 23-32, col. 7, lines 15-67 and col. 8, lines 1-9,



Fig. 5, element 48, col. 13, lines 36-39).

**Referring to claim 24,**

Tso teaches a system for retrieving documents in a computer network (Abstract, lines 1-4), the system comprising:

a data exchange mode identifier to display a set of one or more selectable data exchange modes and a request modifier to modify a request to retrieve data associated with the file reference in accordance with the selected data exchange mode. (col. 11, line 4-49).

Tso fails to explicitly teach to display a set of one or more selectable modes in the vicinity of a cursor upon detecting that a user has pressed a button of a the cursor control device while the cursor is inside a selectable area, to detect that the user has moved the cursor over a mode selected by the user from the set without releasing the button of the cursor control device, and to cancel the display of the set upon detecting that the user has released the button of the cursor control device while keeping the cursor over the selected mode.

Solimene teaches in Fig. 5, col. 8, line 53-col. 9, line 13, "Context Sensitive Pop-Up Menu , Referring now to FIG. 5, shown is a context sensitive pop-up menu 74 of the hypercontrol of the present invention. It is referred to as "context sensitive" because the pop-up menu 74 is displayed only when the user places the mouse cursor in the grid subview 24 and depresses the right mouse button. The hyperitem editor (described below) allows the user to configure the pop-up menu 74 with a custom set of menu items associated with the grid subview 24. For example, consider that the grid subview

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24 of FIG. 5 is an Address Book of records, where each record comprises the fields: "Address Number", "Alpha Name", and "Address Line 1". Assume also that the menu items used to edit the Address Book records include the menu items from the "Edit" menu category: "Cut", "Copy", "Paste", and "Clear", and two menu items from the "Record" menu category: "Add Record" and "Del. Record". Using the hyperitem editor as described below, the user can collect these menu items into the context sensitive pop-up menu 74, thereby providing immediate access to the menu items rather than having to plod through the pull-down menus of the menu categories in the menu bar 18.

When the user places the mouse cursor in the grid subview 24 and presses the right mouse button, the context sensitive pop-up menu 74 is displayed until the user selects a menu item or cancels the operation by, for instance, releasing the mouse button without selecting a menu item. If the user selects a menu item, then the corresponding command is executed by the application."( display a set of one or more selectable modes in the vicinity of a cursor upon detecting that a user has pressed a button of a the cursor control device while the cursor is inside a selectable area, to detect that the user has moved the cursor over a mode selected by the user from the set without releasing the button of the cursor control device, and to cancel the display of the set upon detecting that the user has released the button of the cursor control device while keeping the cursor over the selected mode.)

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to apply the context sensitive pop-up menu technique of Solimene to the pop-window 40 presenting data exchange mode of Tso such that it will

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provide the immediate access to the menu for hyperitems such as hypertext objects providing expanded flexibility for rendering hypertext objects.

**Referring to claims 25 and 27,**

Tso teaches the system of claim 24 wherein determination of the data exchange mode remains valid only for the data associated with the file reference (col.4, lines 29-32, Fig.4, element 40, "default (auto)).

**Referring to claim 28,**

Claim 28 is a claim to computer readable medium that provides instructions, which when executed on a processor, cause said processor to perform operations of the method steps of claim 1. Therefore, claim 28 is rejected for the reasons set forth for the claim 1.

**Referring to claim 31,**

Tso teaches the method of claim 1 wherein the selectable area associated with the file reference is a hypertext link region. (col. 11, line 4-49).

***Conclusion***

**Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the

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claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp  
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